

Memorandum of Understanding

Rationale:

The federal Rehabilitation Act (Title IV of the Workforce Investment Act) calls for the development of cooperative agreements between the state Vocational Rehabilitation Agency and its education partners who serve mutual customers/students.

Purpose:

The purpose of The Division of Vocational Rehabilitation (DVR) is to assist individuals with disabilities to successfully prepare for, secure, retain or regain employment. DVR provides a variety of services pursuant to this purpose. The purpose of higher education is to make available to all qualified students, regardless of disability, the opportunity to acquire knowledge, skills, and/or expertise commensurate with their level of ability. Pursuant to Section 504 of the Rehabilitation Act (20 U.S.C. 794) and Section 2020 of the Americans with Disabilities Act (42 U.S.C. 12132), institutions of higher education provide accommodations to students with disabilities, as necessary to assure their equal access to such opportunities. While the purposes of VR and of higher education are different, they are not mutually exclusive.

This agreement seeks to clarify roles and responsibilities of the parties involved in fostering a seamless delivery system supporting the individualized plan for employment (IPE) for DVR customers attending a postsecondary program to meet his/her goals. Throughout the document “ parties” or “all parties” refers to the University of Wisconsin System (UWS) institutions and DVR. It is the intent of this agreement to ensure the understanding of responsibility between DVR and higher education institutions for students with disabilities who are eligible for DVR services.

As required, the agreement addresses the responsibilities of the UWS institutions to make their programs and services accessible, to provide auxiliary aids and to accommodate the academic participation of qualified students with disabilities. A process for on-going coordination and communication among the agencies and a procedures for resolving disputes arising from the implementation of the agreement are also included.

Additional benefits of this agreement are increasing dialogue, improving communications and establishing working relationships that ultimately improve services to students.

In keeping with their differing purposes, DVR and UWS institutions may maintain different requirements regarding eligibility, documentation of disability, assignment of services or accommodations; nothing in this agreement shall obligate DVR or UWS institutions to abandon or alter their policies regarding such matters as they are used in guiding the provision of services/support.

Nothing in this agreement shall obligate the UWS institutions to provide services or accommodations to students with disabilities who are clients of DVR that are not required for students with disabilities who are not clients of DVR.

Nothing in this agreement prohibits DVR from utilizing a cooperative arrangement or collaborative agreement mechanism to contract with individual UWS institutions or groups of those institutions to provide services for its clients beyond those required to assure equal access to educational opportunity (see Attachments 1 and 2).

Section 1 Responsibilities

Pursuant to Section 504 of the Rehabilitation Act (20 U.S.C. 794) and Section 2020 of the Americans with Disabilities Act (42 U.S.C. 12132) UWS institutions will provide accommodations e.g., support services and auxiliary aids/devices to students with disabilities, as necessary to assure their equal access to academic programs and services.

Accommodations refer to services or aids that are necessary to make a program, service, or activity accessible to an individual with a disability. Examples include, but are not limited to:

Readers/Taped Texts
Notetakers
Extended time on exams
Alternate Format for required materials
Specialized equipment
Interpreter/captioning

The postsecondary service provider has the responsibility to arrange and/or coordinate appropriate accommodations that are requested by the student and supported by the documentation. It is understood that the accommodations shall not fundamentally alter the nature of the educational program, service, or activity; require waiver of essential program or licensure requirements; violate accreditation requirements; unnecessarily intrude upon academic freedom; or pose an undue

fiscal or administrative burden on the institution. Therefore, UWS institutions have the primary responsibility and authority for determining, in consultation with the student, the appropriate accommodation for a specific academic situation, including the level and manner in which it will be provided.

DVR and UWS institutions have prepared materials to provide information and guidance regarding accommodating students with disabilities in post-secondary settings. These materials are available on the respective entities' websites and have been shared with students; post-secondary special needs program staff and faculty as well as DVR counselors.

Section 2 DVR funding assistance to UWS institutions

When obligated under Federal or State law or assigned responsibility under State policy to provide or pay for any services that are also considered to be vocational rehabilitation services (other than those specified in paragraphs (1) through (4) and (14) of Section 103 (a) of the Rehabilitation Act of 1973 as amended in 1998) WTCS institutions will fulfill that obligation either directly or by contract or other arrangement.

DVR may establish a cooperative arrangement or a collaborative agreement with individual UWS institutions or groups of those institutions to provide services when those services meet the requirements for such agreements (see Attachments 1 and 2).

For the two-year period of this agreement, the Division will grant in SFY '04 \$329,500 and in SFY '05 \$235,300 in DVR Title I-B case aids funding under a services to groups contract with the UW System to financially assist the institutions in providing accommodations to students with disabilities, as necessary to assure their equal access to academic programs and services.

B. Tuition and Fees

As confirmed in the student's IPE and after determining the use of comparable services and benefits, the DVR will provide, according to DVR policies and guidelines, funding for services and equipment, that supports the student's employment goal. These may include, but are not limited to, tuition and fees, books and supplies.

Section 3. Communication

In order to assure that coordination and communication occur between DVR, UWS and the WTCS institutions, the following activities will take place:

DVR, UWS and the WTCS Board will each designate an individual to serve as the statewide liaison.

DVR and the UWS Board will conduct joint annual update/training sessions for front line campus and DVR staff regarding the joint agreement, and the post secondary and DVR policies and procedures impacting the service to postsecondary students who are DVR clients. A primary goal of the training will be to assure consistency in interpretation of the interagency agreement among personnel throughout the state.

The DVR administrator or his/her designee will meet with the UWS designated system representatives quarterly to share feedback and review any concerns regarding the implementation of the joint agreement, plan joint staff training sessions, and explore additional opportunities for collaboration.

It is understood between DVR and the UWS Board and campuses that students identified as being in need of and qualified for our respective services will be referred in a timely fashion.

Section 4: Resolution of Disputes

The UWS Board and institutions and DVR have a long history of working cooperatively. Past experience predicts that most disagreements will be resolved through open discussion. The UWS and the DVR liaisons, working collectively, will review problems that cannot be solved at the local level between a DVR Office and a UWS institution. Both informal and formal processes may be used by all parties to resolve local issues.

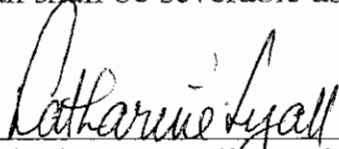
For the interagency agreement/memorandum of understanding, the WTCS Board, UWS and the DVR administrator or her designee and the DVR liaisons will participate in the negotiations. If issues in the agreement cannot be resolved by consensus, any party may request that the negotiations be forwarded for formal resolution. Once such a request has been made, the liaisons will have ten working days to continue the informal process. The deadline may be extended if all parties agree.

If the formal dispute resolution process is required the Deputy Secretary of the Department of Workforce Development or his/her designee, and the UWS Senior Vice President for Academic Affairs, or their designees will be convened to resolve the matter under dispute. A formal decision will be made and communicated to all parties.

Section 5: Effective Dates

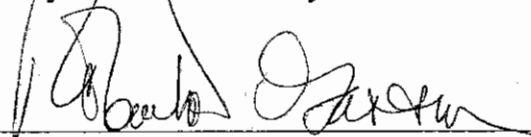
The terms of this interagency agreement are in effect for July 1, 2003-June 30, 2005. Discussion of modifications for the period beyond 2004 shall begin by October 2004 and will be completed by May 1, 2005.

This agreement shall continue in force until June 30, 2005. Termination of the agreement may be effected by written notice served by one party to the other at least one hundred and twenty (120) days prior to the intended date of termination. Any provisions within this agreement which conflict with or exceed the authority vested in the parties under federal law, the Wisconsin Statutes or the DVR State Plan shall be severable as to the agreement.



Katharine C. Lyall, President
University of Wisconsin System

Date: 10/23/03



Roberta Gassman, Secretary
Department of Workforce Development

Date: 10/17/03

**Development of Jointly-funded Cooperative Arrangements
SFY'04 Parameters for DVR and Public Partner Initiatives**

Purpose: To design and implement cooperative arrangements with public partners that expand service resources through shared financial investment.

Third Party Cooperative Arrangement Program Principles

Third party co-funded cooperative arrangements provide:

- A jointly funded (50/50) financial partnership between DVR and another public entity to expand the delivery of Title I-B employment and rehabilitation services to individuals who are eligible for DVR services. Funding level exceptions to be reviewed and approved by the WRC.
- Effective partnerships to address identified needs of DVR consumers when those consumers are also customers of other public service delivery systems.
- A guarantee that DVR funds will not be used to cover the costs of otherwise comparable services and benefits, or the cost of services that another public entity is obligated to provide under Federal law, State law, or assigned responsibility under State policy. Exceptions are those vocational rehabilitation services specified in paragraph (5) (D) and in paragraphs (1) through (4) and (14) of section 103 (a) of the Rehabilitation Act.
- Collaborative partnerships that deliver effective rehabilitation and employment services that meet the following criteria:
 1. Provide Title I-B Section 103 services of the Rehabilitation Act (see Attachment 1-A) delivered to persons who are eligible for DVR services. In a cooperatively funded arrangement, all individuals served must be DVR consumers with active plans for employment.
 2. Third-party cooperative arrangements must satisfy the requirements of the Rehabilitation Act (34 CFR 361.28):

Sec. 361.28 Third-party cooperative arrangements involving funds from other public agencies.

a) The designated State unit may enter into a third-party cooperative arrangement for providing or administering **vocational rehabilitation** services with another State agency or a local public agency that is furnishing part or all of the non-Federal share, if the designated State unit ensures that-- [[Page 290]]

- (1) The services provided by the cooperating agency are not the customary or typical services provided by that agency but are new services that have a **vocational rehabilitation** focus or existing services that have been modified, adapted, expanded, or reconfigured to have a **vocational rehabilitation** focus;
- (2) The services provided by the cooperating agency are only available to applicants for, or recipients of, services from the designated State unit;
- (3) Program expenditures and staff providing services under the cooperative arrangement are under the administrative supervision of the designated State unit; and
- (4) All State plan requirements, including a State's order of selection, will apply to all services provided under the cooperative program.

(b) If a third party cooperative agreement does not comply with the statewideness requirement in Sec. 361.25, the State unit must obtain a waiver of statewideness, in accordance with Sec. 361.26.

Cooperative arrangements must:

➤ meet one or more of the following service delivery or capacity-building purposes:

(a) Existing services which are

- ✓ reconfigured, modified or adapted to more effectively reach and deliver services to eligible VR consumers, especially those who are identified as underserved
- ✓ expanded services to address an identified service gap or to achieve statewideness

(b) New services that have a vocational rehabilitation focus

- be performance-based and will include standards for cost-effectiveness and increased efficiency.
- create a new or expanded service and be no more than 2 years in length. If the cooperative arrangement is more than one year in length, it shall be renewed annually based on availability of funding and the ability to meet performance expectations; extension exceptions to be approved by the WRC,

or

- involve existing services, which are reconfigured, modified or adapted to more effectively reach and deliver services to eligible VR consumers and which demonstrate that such arrangement more effectively finances and delivers services to a common customer. Such agreements are not subject to a time

limit, but at the discretion of the DSU, may be renewed annually based on effectiveness as determined by the performance measures outlined in the arrangement.

- be established whenever possible on a fee-for-service basis. New or expanded service cooperative arrangements may be established under an alternative financing arrangement if the services are deemed sustainable with a conversion to fee-for-service within 2 years; exceptions to be approved by the WRC.
- provide for a competitive process, whenever feasible, when funds are distributed on a contract basis to service providers and not directly through a fee-for-service purchase order for an identified consumer.

Attachment 1-A

Sec. 103. Vocational Rehabilitation Services

(a) Vocational Rehabilitation Services for Individuals

Vocational rehabilitation services provided under this title are any services described in an individualized plan for employment necessary to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, including--

(1) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

(2) counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d);

(3) referral and other services to secure needed services from other agencies through agreements developed under section 101(a)(11), if such services are not available under this title;

(4) job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

(5) vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher education shall be paid for with funds under this title unless maximum efforts have been made by the designated State unit and the individual to secure grant assistance, in whole or in part, from other sources to pay for such training;

(6) to the extent that financial support is not readily available from a source (such as through health insurance of the individual or through comparable services and benefits consistent with section 101(a)(8)(A)), other than the designated State unit, diagnosis and treatment of physical and mental impairments, including--

(A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;

(B) necessary hospitalization in connection with surgery or treatment;

(C) prosthetic and orthotic devices;

(D) eyeglasses and visual services as prescribed by qualified personnel who meet State licensure laws and who are selected by the individual;

(E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals with end-stage renal disease; and

(F) diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws;

(7) maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an individualized plan for employment;

(8) transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the individual to achieve an employment outcome;

(9) on-the-job or other related personal assistance services provided while an individual is receiving other services described in this section;

(10) interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind, after an examination by qualified personnel who meet State licensure laws;

- (11) rehabilitation teaching services, and orientation and mobility services, for individuals who are blind;
- (12) occupational licenses, tools, equipment, and initial stocks and supplies;
- (13) technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
- (14) rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;
- (15) transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the individualized plan for employment
- (16) supported employment services;
- (17) services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome; and
- (18) specific post-employment services necessary to assist an individual with a disability to, retain, regain, or advance in employment.

**Development of Jointly–funded Services to Groups Collaborative
Agreements
SFY’04 Parameters for DVR and Public Partner Initiatives**

Purpose: To design and implement non-third party collaborative agreements with public partners that provide vocational rehabilitation services that benefit groups of individuals with disabilities through shared financial investment.

Services to Groups Collaborative Agreement Program Principles

Co-funded collaborative agreements provide:

- A jointly funded (50/50) financial partnership between DVR and another public entity to expand the delivery of Title I-B employment and rehabilitation services to groups of individuals with disabilities who are eligible for DVR services. Funding level exceptions to be reviewed and approved by the WRC.
- Effective partnerships to address identified needs of DVR consumers when those consumers are also customers of other public service delivery systems.
- A guarantee that DVR funds will not be used to cover the costs of otherwise comparable services and benefits, or the cost of services that another public entity is obligated to provide under Federal law, State law, or assigned responsibility under State policy. Exceptions are those specified in the Rehabilitation Act.
- Collaborative partnerships that deliver effective rehabilitation and employment services meet the following criteria:
 1. Provide Title I-B Section 103 (b) services provided for the benefit of groups of individuals with disabilities (See Attachment 2-A). In a “services to groups” agreement at least 50% of the service delivery target group must be DVR consumers with active plans for employment, the remaining target group to be comprised of individuals who are deemed eligible for DVR services. Exceptions to the percentage ratio in a services to groups collaborative agreement to be reviewed and approved by the WRC.

2. Services to Groups collaborative agreements must contribute substantially to the employment rehabilitation of a group of DVR eligible individuals but need not relate directly to the individualized plan for employment of any one individual (34 CRF 361.49).
3. The collaborative agreement must meet one or more of the following purposes:
 - ✓ More effectively reaches and delivers rehabilitation services to eligible VR consumers, especially those who are underserved.
 - ✓ Address an identified service gap or expand needed service capacity.
 - ✓ Improve service delivery through service innovation or by modifying, adapting, or reconfiguring an existing service.

Collaborative agreements must:

- be performance-based and will include standards for cost-effectiveness and increased efficiency.
- Create an innovative or expanded service and be no more than 2 years in length. If the collaborative agreement is more than one year in length, it shall be renewed annually based on availability of funding and the ability to meet performance expectations; extension exceptions to be approved by the WRC,

Or

- Involve existing services which are reconfigured, modified or adapted to more effectively reach and deliver services to eligible VR consumers and which demonstrate that such agreements more effectively finances and delivers services to a common customer. Such agreements are not subject to a time limit, but at the discretion of the DSU, may be renewed annually based on effectiveness as determined by the performance measures outlined in the agreement.
- be established whenever possible on a fee-for-service basis. New or expanded service collaborative agreements may be established under an alternative financing arrangement if the services are deemed sustainable with a conversion to fee-for-service within 2 years; exceptions to be approved by the WRC.
- Provide for a competitive process, whenever feasible, when funds are distributed on a contract basis to service providers and not directly through a fee-for-service purchase order.

Attachment 2-A

Section 103 (b) Vocational Rehabilitation Services for Groups of Individuals

Vocational rehabilitation services provided for the benefit of groups of individuals with disabilities may also include the following:

(1) In the case of any type of small business operated by individuals with significant disabilities the operation of which can be improved by management services and supervision provided by the designated State agency, the provision of such services and supervision, along or together with the acquisition by the designated State agency of vending facilities or other equipment and initial stocks and supplies.

(2)(A) The establishment, development, or improvement of community rehabilitation programs, including, under special circumstances, the construction of a facility. Such programs shall be used to provide services that promote integration and competitive employment.

(B) The provision of other services, that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized plan for employment of any 1 individual with a disability.

(3) The use of telecommunications systems (including telephone, television, satellite, radio, and other similar systems) that have the potential for substantially improving delivery methods of activities described in this section and developing appropriate programming to meet the particular needs of individuals with disabilities.

(4)(A) Special services to provide nonvisual access to information for individuals who are blind, including the use of telecommunications, Braille, sound recordings, or other appropriate media.

(B) Captioned television, films, or videocassettes for individuals who are deaf or hard of hearing.

(C) Tactile materials for individuals who are deaf-blind.

(D) Other special services that provide information through tactile, vibratory, auditory, and visual media.

(5) Technical assistance and support services to businesses that are not subject to title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and that are seeking to employ individuals with disabilities.

(5) Consultative and technical assistance services to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment.